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Filing date: **10/23/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	94002550
Party	Applicant Community Tampa Bay, Inc.
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Signature	/kpc/
Date	10/23/2012
Attachments	Motion to Amend - Utah and Missouri.pdf (6 pages)(196796 bytes)

COMMUNITY TAMPA BAY, INC.,
Plaintiff-Applicant

V.

THE NATIONAL CONFERENCE FOR
COMMUNITY AND JUSTICE OF THE
PIEDMONT TRIAD, INC.,
Defendant-User

Concurrent Use No. 94002550

Mark: ANYTOWN

Serial No. 85/488,380

V.

THE NATIONAL CONFERENCE FOR
COMMUNITY AND JUSTICE
CONNECTICUT/WESTERN MASSACHUSETTS,
INC.,
Defendant-User

V.

THE INTERFAITH COUNCIL OF SOUTHERN
NEVADA,
Defendant-User

v.

VALLEY OF THE SUN YMCA,
Defendant-User

V.

OASIS CENTER,
Defendant-User

V.

YWCA CENTRAL ALABAMA,
Defendant-User

v.

NATIONAL CONFERENCE FOR COMMUNITY

AND JUSTICE OF GREATER DAYTON,)
Defendant-User)
)
v.)
)
OKLAHOMA CENTER FOR COMMUNITY AND)
JUSTICE,)
Defendant-User)
)
v.)
)
NEW ORLEANS COUNCIL FOR COMMUNITY)
AND JUSTICE,)
Defendant-User)
)

MOTION TO AMEND APPLICATION

Pursuant to TBMP § 1104, Plaintiff-Applicant, Community Tampa Bay, Inc. moves to amend its application to add two new common law excepted users to the application and to exclude the states of Utah and Missouri from the application.

Applicant wishes to amend the Concurrent Use application to exclude the territories of Utah and Missouri and to add the following parties to the proceedings:

Inclusion Center
14 Heritage Center
Salt Lake City, UT 84112

National Conference for Community and Justice of Metropolitan St. Louis
8420 Delmar Blvd
Suite 500
Saint Louis, MO 63124

At the time of filing the ANYTOWN concurrent use application, Community Tampa Bay was not aware of the Inclusion Center's use of the ANYTOWN Mark, nor was it aware of the National Conference for Community and Justice of Metropolitan St. Louis' use of the ANYTOWN Mark. Community Tampa Bay learned of the Inclusion Center's use of the

ANYTOWN Mark in a subsequent Internet search. Community Tampa Bay then met with the Inclusion Center to discuss the parties' respective uses of the ANYTOWN Mark and geographic scope of those uses. As part of those discussions, Community Tampa Bay learned and the Inclusion Center confirmed that Inclusion Center has been using the ANYTOWN Mark in Utah since 2005. As a result, Community Tampa Bay now moves to amend the Concurrent Use application to reflect this additional information.

Similarly, Community Tampa Bay learned of the National Conference for Community and Justice of Metropolitan St. Louis's use of the ANYTOWN Mark through subsequent Internet searches and email alerts. Through additional research, Community Tampa Bay learned that the National Conference for Community and Justice of Metropolitan St. Louis has been using the ANYTOWN Mark in Missouri since 2005. Community Tampa Bay now moves to amend the Concurrent Use application to reflect this additional information.

Community Tampa Bay requests that the Board amend the application as follows, with changes shown in bold:

Concurrent use information. The applicant seeks registration of the mark without limitation to any particular mode of use for educational services, namely, conducting classes, seminars, dialogue groups and workshops and facilitating participation in service learning events all in the fields of inclusive leadership training, diversity and sensitivity education and training, conflict mediation, advocacy and communication skill building, and distribution of course materials in connection therewith, and claims exclusive right to the mark in the area comprising the entire United States, with the exception of the following states: North Carolina, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Nevada, Arizona, Tennessee, Alabama, Ohio, Oklahoma, Illinois, Louisiana, **Utah and Missouri**. Applicant is aware of the following unregistered users of the ANYTOWN mark, and information regarding these uses is set forth as follows, to the best to the Applicant's knowledge: (1) The National Conference for Community and Justice of the Piedmont

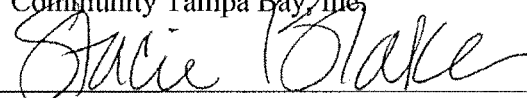
Triad, Inc., 713 North Greene Street, Greensboro, NC 27401; Geographic Area: North Carolina; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (2) The National Conference for Community and Justice Connecticut/Western Massachusetts, Inc., 1095 Day Hill Road, Windsor, CT 06095; Geographic Area: Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (3) The Interfaith Council of Southern Nevada, P.O. Box 73070, Las Vegas, NV 89170; Geographic Area: Nevada; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (4) Valley of the Sun YMCA, 350 N. First Ave., Phoenix, AZ 85003; Geographic Area: Arizona; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (5) Oasis Center, 1704 Charlotte Ave., Suite 200, Nashville, TN 37203; Geographic Area: Tennessee; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (6) YWCA Central Alabama, 309 North 23rd Street, Birmingham, AL 35203; Geographic Area: Alabama; Duration of Use: 2011 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (7) National conference for Community and Justice of Greater Dayton, 14 West First Street, Suite 401, Dayton, OH 45402-1259; Geographic Area: Ohio Duration of Use: unknown; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (8) Oklahoma Center for Community and Justice, 100 West Fifth Street, LL 1030, Tulsa, OK 74103-4273; Geographic Area: Oklahoma; Duration of Use: 2007 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (9) New Orleans Council for Community and Justice, 650 Poydras Street, Suite 2303, New Orleans, Louisiana 70130; Geographic Area: Louisiana; Duration of Use: 2009 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. **(10) Inclusion Center, 14 Heritage Center, Salt Lake City, Utah 84112; Geographic Area: Utah; Duration of Use: 2005-present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (11) National Conference for Community and Justice of Metropolitan St. Louis, 8420 Delmar Blvd Suite 500, Saint Louis, MO 63124; Geographic Area: Missouri; Duration of Use: 2005-present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. All verifications or declarations in this application indicating that no**

one else to the best of Applicant's knowledge and belief, has the right to use the mark in commerce, refers to "no one else" except as specified in the application.

Community Tampa Bay requests that Application No. 85/488,380 be amended as set forth above. This Motion is being made early in the proceeding, before Community Tampa Bay's deadline to identify additional relevant applications or registrations has expired, and will not cause undue delay or prejudice. If the Board has any questions, kindly contact the Attorneys for Applicant.

Date: October 23, 2012

On behalf of Plaintiff-Applicant
Community Tampa Bay, Inc.

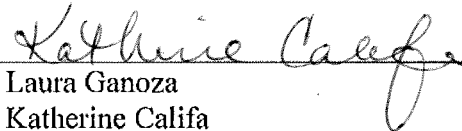


Stacie Blake
Executive Director
1499 Beach Drive SE, Unit C
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Date: October 23, 2012

Respectfully submitted,

FOLEY & LARDNER LLP



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Attorneys for Plaintiff-Applicant

CERTIFICATE OF SERVICE

I, hereby certify that on October 23, 2012, a true and correct copy of the MOTION TO AMEND APPLICATION was served by first-class mail, postage prepaid, on the newly added party, Inclusion Center, and on each Defendant-User at the following addresses:

THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE OF THE PIEDMONT TRIAD INC 713 NORTH GREENE STREET GREENSBORO, NC 27401	THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE CONNECTICUT WESTERN MASSACHUSETTS INC 1095 DAY HILL ROAD WINDSOR, CT 06095
THE INTERFAITH COUNCIL OF SOUTHERN NEVADA PO BOX 73070 LAS VEGAS, NV 89170	VALLEY OF THE SUN YMCA 350 N FIRST AVENUE PHOENIX, AZ 85003
OASIS CENTER 1704 CHARLOTTE AVENUE SUITE 200 NASHVILLE, TN 37203	YWCA CENTRAL ALABAMA 309 NORTH 23RD STREET BIRMINGHAM, AL 35203
NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE OF GREATER DAYTON 14 WEST FIRST STREET SUITE 401 DAYTON, OH 45402-1259	OKLAHOMA CENTER FOR COMMUNITY AND JUSTICE 100 WEST FIFTH STREET LL 1030 TULSA, OK 74103-4273
NEW ORLEANS COUNCIL FOR COMMUNITY AND JUSTICE 650 POYDRAS STREET SUITE 2303 NEW ORLEANS, LA 70130	INCLUSION CENTER 14 HERITAGE CENTER SALT LAKE CITY, UT 84112
NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE OF METROPOLITAN ST. LOUIS 8420 DELMAR BLVD SUITE 500 SAINT LOUIS, MO 63124	



Foley & Lardner LLP